

Docket No.: 1560-0348P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yasuhiro ISHII et al.

Application No.: 09/655,847

Confirmation No.: 9788

Filed: September 6, 2000

Art Unit: 3682

For: ELECTRIC POWER STEERING APPARATUS

Examiner: W. C. Joyce

SUPPLEMENTAL PETITION TO THE SOLICITOR UNDER 37 CFR 1.182

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
To All Parties Concerned:

Under 37 CFR § 1.304(a)(3), the Director [or his designate], may permissibly extend the time period for filing an Appeal.

The Appellants request the extension of time to re-file with the Court of Appeals for the Federal Circuit due to a failure to timely file their initial Petition.

Appellants believe that their initial filing had been timely based upon the mail date for the underlying Decision by the Board of Patent Appeals and Interferences, which had been decided on July 16, 2008, but was not mailed until July 17, 2008.

The usual Notice date for practice before the U.S. Patent & Trademark Office is typically the mail date. Accordingly, had the Petition originally filed been evaluated based upon the mail date of the underlying Board of Patent Appeals and Interferences Decision of July 17, 2008, Appellants' Certificate of Service dated September 17, 2008 would have made their Petition, in fact, timely. Instead, as determined by the U.S. Patent & Trademark Office, Appellants' Certificate of Service dated September 17, 2008 made the Appeal one (1) day late.

Appellants believe that this is a clear case of excusable neglect, and accordingly request the extension of time necessary for re-filing the Appeal pursuant to the aforementioned Petition and a newly executed Petition for review filed November 7, 2008, and as supplemented on this date.

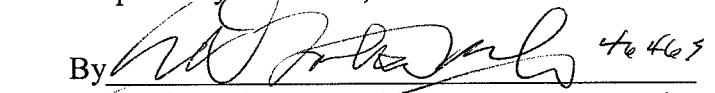
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William D. Titcomb Reg. No. 46,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: November 19, 2008

Respectfully submitted,

By


Michael K. Mutter

Registration No.: 29,680

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant